

HB 1279 – WSI Presumption for Law Enforcement & Firefighters
Senate Workforce Development
February 2, 2023
Rep. Shannon Roers Jones

Every day our law enforcement officers and firefighters put their lives at risk to protect the citizens of North Dakota. Sometimes that risk means making the ultimate sacrifice, but even when the risks aren't quite as grave, they are still a significant burden for our emergency personnel, their families, and their departments.

One community has been hit harder than most over the last couple of years. While we all remember the officer who was lost in West Fargo, it's likely that fewer people recall the story of Officer Tim Brown. The fortunate part of Officer Brown's story is that he survived an on-duty heart attack, but the real challenges with his experience started after Officer Brown was past the physical danger of his experience.

Officer Brown's unfortunate situation brought to light significant shortcomings in the Workforce Safety Insurance policies that are intended to protect our officers and firefighters. Now, I want Officer Brown to be the one to tell his story. I want his mayor to talk about the impact to their community, so I'm going to limit my comments to the current state of the law and the changes we're requesting.

Currently a full-time firefighter or law enforcement officer must work continuously for at least 5 years, in the state of North Dakota, before they have the presumptive protection offered in North Dakota. There is no coverage for an officer who transfers from another state, or for an individual who may have been a firefighter in the military before joining a local department.

The bill in front of you would change 4 elements. First it would allow full-time employment as a firefighter or law enforcement officer, outside of North Dakota, to be credited toward the 5-year service requirement for coverage.

Second, it would provide day-one protection for anyone who suffers a heart attack, stroke, vascular rupture, or other similar cardiac event within 48 hours of strenuous physical law enforcement or firefighting activity, including training.

We believe there are strong policy considerations - including the additional risk these public servants take upon themselves, as well as the difficulty in recruiting new employees to these professions that warrant modifying the requirement for 5 years of service before they are protected.

The next change is less significant, but during our research process it became apparent that there may be a few smaller jurisdictions that have their employees pay for the required health testing. The state requires both pre-employment and ongoing medical examinations as part of their requirements for coverage and consequently it is not appropriate for any department to require their employee or potential employee to bear the costs of these exams.

The final change in the bill is on page 2, lines 23 and 24, where "nonfasting total blood cholesterol test" was changed to "diagnostic procedures indicating cardiovascular health to a reasonable degree of medical certainty". The reason for this change, is because after consulting with medical professionals it was discovered that the cholesterol test was not a good indicator of cardiovascular health. Additionally, as

medical tests and technology are always evolving, it was determined that it is best to leave this language open to the discretion of the medical professionals.

Like any bill, we have had some hurdles to work through. While we want to protect our officers and firefighters to the greatest extent possible, additional coverage comes at a cost. The cities, and ultimately the taxpayers must cover the costs of additional protection, and some of the numbers coming from WSI estimates were pretty alarming.

We have had an amazing team working to move this bill forward with no opposition, and amazing speed and so I must thank several people. (in no particular order 😊)

First, Attorney Stephanie Dassinger Engebretson from the ND League of Cities. She spent a great deal of time working with all the parties involved to craft an amendment that brought down the cost of the insurance, while still providing the added protection for our officers and firefighters.

Second, Art Thompson from WSI who reached out to me last weekend to ask if we could make the coverage retroactive. WSI wants to cover Officer Brown's claim and with Officer Brown's hearing date fast approaching we worked with House and Senate leadership to figure out how we could get him coverage before his hearing.

Also, to the House Political Subdivisions committee for their extra work to come in on Tuesday, a non-committee day for them, to add the amendment with the retroactivity clause, so we could vote on it yesterday, and have the hearing in front of your committee today.

Along with them, we need to thank the committee staff, the front desk staff, and legislative council for their extra efforts to draft amendments, engross the bill, and circulate the bill for needed signatures as quickly as possible.

Because everyone is so committed to getting this passed as quickly as possible, we've even encountered a few happy-challenges. While we were preparing everyone who will testify behind me for a hearing next Wednesday, we were surprised to learn around 3:30 yesterday afternoon that our hearing would be today! So I need to thank Officer Tim Brown, and all of the other bill supporters who cleared their schedules so they could travel from Fargo, West Fargo, and other parts of the state to testify. Please know there are more who would like to be here today but sometimes plans can't be changed in 23 and a half hours.

And I want to proactively thank you committee members, staff, and all the senate for what I hope will be quick, yet diligent action on this bill.

We have made this bill retroactive and added the emergency clause to help WSI cover Officer Tim Brown, and during the research for this bill, we learned there are two other firefighters, one from Fargo and one from West Fargo who will also be protected with the retroactivity. We want to get this coverage in place as soon as possible so we don't have to have another one of our firefighters or officers have a medical emergency between now and August 1st and have them go through the stressful ordeal that Officer Brown had to endure.

I ask that the committee please listen to all of the testimony today and understand we need to send an *unamended* bill to the Senate floor with a strong DO PASS recommendation as a statement of our support for all of the law enforcement officers and firefighters who protect and serve our state every day.